IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

FRIDAY, THE 2ND MARCH 2007 / 11TH PHALGUNA 1928

WP(C).No. 613 of 2007(W)

PETITIONER:

T.L.LONA, S/O.LAZAR,
THEKKEKKARA HOUSE, CHITTILAPILLY,
THRISSUR.

BY ADV. SRI.G.PRABHAKARAN

RESPONDENTS:
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1. THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY,
MALAPPURAM.

2. VENKATACHALAM SREE RAM HOUSE,
JAYA PRAKASH LINE, POONKUNNAM, THRISSUR.

BY ADV. SRI.SAJU J.VALLYARA --R2
GOVERNMENT PLEADER SMT. M.K.PUSHPALATHA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 02/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 613/2007 W

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE PROCEEDINGS CERTIFIED COPY DT. 12/1/2006.

EXT.P2. COPY OF THE PROCEEDINGS CERTIFIED COPY DT. 12/1/2006.

EXT.P3. COPY OF THE INTIMATION RECEIVED FROM SECRETARY, RTA DT. 7/10/06.

RESPONDENT'S EXHIBITS

EXT.R2A. COPY OF THE ORDER IN MVARP NO. 53/2006 DT. 26/4/2006 OF THE STAT.

EXT.R2B. COPY OF THE JUDGMENT IN WPC NO. 30754/2006 DT. 24/11/2006.

True copy

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K.BALAKRISHNAN NAIR, J.

W.P.(C).No.613 OF 2007-W

Dated this the 2nd day of March, 2007

JUDGMENT

The petitioner is operating his Stage Carriage on the route Kodungallur-Kozhikode. The second respondent is having a permit on the route Thrissur-Kozhikode. The said respondent sought for variation of that permit and variation was granted and the varied permit was issued as per Ext.P1 proceedings. While so, the Secretary, R.T.A. has issued Ext.P3 communication to the second respondent, directing him to operate as per the original permit and time schedule as he has not so far availed the varied permit. This writ petition is filed challenging Ext.P3 and also seeking a direction to compel the second respondent to operate in accordance with the time schedule contained in Ext.P1.

2. The second respondent has filed a counter affidavit in which it is submitted that he has challenged Ext.P1. The said proceedings has been set aside by the State Transport Appellate Tribunal by Ext.R2(a) and the matter has been remanded to re-consider the time schedule, ignoring Circular No. 3 of 1997 and taking note the running time of similar services. This court by Ext.R2 (b) judgment dated 24-11-2006 directed the Secretary R.T.A. to implement Ext.R2(a). In view of the

above position, the second respondent submits there is nothing wrong in operating his service as directed in Ext.P3. It is also submitted that Ext.P1 is no longer in force in view of Ext.R2(a). In view of Ext.R2(a), the prayer of the petitioner for a direction to operate in accordance with Ext.P1 no longer subsists. Accordingly, the Writ Petition is dismissed.

K.BALAKRISHNAN NAIR, JUDGE.

MS